

REMARKS/ARGUMENTS

Claims 1-30 are pending in the application. Of these claims, claims 1-9 and 22-30 are identified as a first invention and assigned the identity of Group 1 in the Examiner's Action of restriction dated May 2, 2003. The Group 11 claims are identified as the remaining claims, claims 10-21 in the Examiner's Action.

In response, applicants provisionally elect the Group 1 claims for present examination on the merits, cancel the non-elected claims, correct several informalities in the elected claims, add several new Group 1 claims in lieu of the provisionally cancelled claims and question the restriction requirement. Applicants also supply somewhat related application serial numbers and correct a title identification of a somewhat related application in the present application text.

With respect to the identified classifications of the Group 1 and Group 11 claims recited in the Examiner's Action, applicants are confused by the recited classification of the Group 11 claims into class 324, subclass 754. Applicants understand this class 324, subclass 754 to concern "Electricity: Measuring and Testing" (the class definition), "fault detecting in electric circuits and of electric components" (as is defined in subclass 500), "of individual component or element" (as defined in subclass 537) and "with probe elements" (as defined in subclass 754). The resulting composite definition would appear to be little related to a semiconductor device as recited in the Group 11 claims.

Additionally, the Examiner's Action asserted relationship between the inventions of Group 1 and Group 11 as "process and apparatus for its practice" appears somewhat open to question. Applicants' Group 11 claims, claims 10-21, for example appear to have little relationship with the masks, photo resist, and etching apparatus needed to practice the Group 1 process invention as this asserted relationship would imply. It also appears questionable as to whether the apparatus of applicants' Group 11 claims could be "used to practice another and materially different process..." as is asserted.

Moreover, applicants believe the present invention may be considered to involve a process for making a semiconductor device and a semiconductor device made by this process. Applicants respectfully submit that these concepts bear such close relationship that a search of the prior art, accomplished by way of reciting structural elements formed by the process for example, will inevitably also identify relevant semiconductor devices. For this reason a rescinding of the restriction requirement would appear to involve little or no additional effort by The Examiner.

In view of these apparent fundamental difficulties with the restriction requirement and applicants' strong preference for retaining a single application in this instance a reconsideration of the restriction requirement is respectfully solicited. Applicants will be happy to submit a paper reinstating the herein cancelled Group 11 claims and tendering the additional fee thus involved upon receipt of a call or other communication from The Examiner.

In view of the provisional election made herein, the changes to the application accomplished herein, the questions noted concerning the restriction requirement and the attending remarks of explanation and argument the application is believed to be in condition for reconsideration and/or for examination and allowance. The appropriate of such actions at the earliest possible time are respectfully solicited.

Respectfully submitted,



Gerald B. Hollins, Reg. No. 25,452
Attorney for Applicant(s)

GBHollins
(937) 255-2838
(937) 255-3733 (fax)